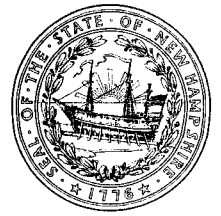




The State of New Hampshire
Department of Environmental Services



Michael P. Nolin
Commissioner

**LETTER OF DEFICIENCY
WD -WQE 05-04**

September 23, 2005

BPP Delcor
C/o Al Bell
281 East Road
Francestown, New Hampshire 03043

Re: Site Specific Permit WPS-6831
Willow Pond in Laconia, New Hampshire

Dear Mr. Bell:

On September 9, 2005 and September 20, 2005 personnel from the Department of Environmental Services ("DES") conducted an inspection of the above referenced property, more specifically referenced on City of Laconia Tax Map 228, Lot 1.1 (the "Property"). The purpose of the inspection was to determine compliance with RSA 485-A:17 and applicable rules promulgated pursuant thereto.

During the inspection the following deficiencies were documented:

1. There is a build up of sediment in the following locations:
 - a. Along the Carriage Lane roadside swale from station 0+00 to 2+00, left and along the Outerbridge Drive roadside swale from station 4+00 to 7+00, right;
 - b. In the culverts at FES 9/10; and
 - c. In the riprap apron at the outlet of FES13/14.
2. Subdivision lots 36 and 37 are not well vegetated thereby allowing erosion and sediment deposition downstream; and
3. There is evidence of erosion along an ATV trail, located west of Outerbridge Drive, caused by the discharge from the riprap apron located at the outlet of FES 13/14. Sediment is carried downstream the ATV trail approximately 2,000 feet to where it intersects an unnamed stream which carries the sediment approximately 1,600 feet to Paugus Bay. Water quality degradation is evident. It appears that the majority of the stormwater, prior to development, was discharged to a wetland that directed the flow across the ATV trail rather than down the ATV trail.

DES believes the deficiencies can be corrected by completing the following items by **Friday September 30th, 2005:**

1. Clean out all sediment at the following locations and stabilize as necessary:
 - a. All roadside swales. Stabilize with riprap as reseeding may not take late in the season and with the swales already receiving flow from developed areas;
 - b. In the culverts located at FES 9/10; and

- c. In the riprap apron located at the outlet of FES13/14. Replace with clean riprap as necessary.
2. Reseed subdivision lots 36 and 37 and apply mulch at twice the normal rate. In addition, place a row of silt fence on the downstream boundary of these lots. See approved plans under the Permit for proper silt fence installation or the "Stormwater Management and Erosion and Sediment Control Handbook for Urban and Developing Areas in New Hampshire";
4. Submit plans to DES, stamped by a New Hampshire professional engineer, for a design to redirect the flow to the nearby wetland across the ATV trail. The plans shall include wetland delineations and 2 foot contours within 100 feet of the proposed area of disturbance. An approval of the plans will not convey any property rights and therefore proper permission shall be sought prior to beginning any work off-site; and
3. Notify DES at 271 - 2973 as soon as the above listed work is completed.

Failure to respond to this Letter of Deficiency in a timely and complete manner may be construed as noncompliance by the receiving party. DES personnel may conduct another inspection at a later date to determine whether you have come into and are maintaining full compliance with the applicable statute and rules.

Issuance of this letter shall not preclude further enforcement by DES. Failure to comply with RSA 485-A:17 will result in enforcement by DES, including but not limited to the issuance of fines, administrative orders, or referral to the New Hampshire Office of the Attorney General for prosecution of civil or criminal penalties. If an order is issued to you, it may also be recorded with the Registry of Deeds as an encumbrance against the Property.

All documents submitted in response to this Letter of Deficiency should be addressed as follows:

Amy C Clark, PE
NHDES - Site Specific Program
PO Box 95
Concord, NH 03302-0095

Should you have any questions regarding this letter, please contact Amy C Clark at 271-2973.

Sincerely,


Amy C Clark, P.E.

Land Resources Management Program

CERTIFIED MAIL: 7099 3400 0003 0687 9676

cc: Gretchen R. Hamel, DES Legal Unit Administrator
Stacey Herbold, DES Wetland Bureau
Laconia Planning Board